Senate Panel Seeking to

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The Senate Intelligence Committee intends to sponsor a major cutback to the Freedom of Information Act that would prohibit public access to countless CIA documents.

Sen. Walter D. Huddleston (D-Ky.) said the proposal would restrict the right of American citizens seeking information about themselves to obtain records of CIA operations.

Much of the information CIA has had to make public in recent years—from its files on the Kennedy assassination and the agency's drug-experimentation programs to its domestic spying operations—could be denied automatically under this new rule.

The proposal perhaps gained impetus last night when President Carter called for "quick passage of a new charter" to define intelligence agencies legal authority and accountability. "We need to remove unwarranted restraints on our ability to collect intelligence and to tighten our controls on sensitive intelligence information. An effective intelligence capability is vital to our nation's security," Carter said in his State of the Union address.

The committee proposal is part of a drive to give the CIA what Huddleston described as "greater oprational flexibility" in light of the Iranian crisis and the Soviet invasion of Afghanistan.

He said the FOIA revision would be included in a proposed Carter administration charter for the intelligence community that is almost ready to be introduced. In the drafting stage for the past two years, it has been evolving into a license for wide-ranging secret acitvities with few blanket prohibitions.

Huddleston observed that "the climate has changed considerably" since the mid-1970s when disclosure of CIA abuses produced demands for tight statutory restrictions on the agency. Now, he said, "the Afghanistan thing has put a little more impetus behind doing something' to give the agency a freer hand.

Huddleston denied that the charter would usher in a revival of the CIA's "good old days" when few members of Congress were informed of the agency's activities and those who were told were reluctant to press for details.

Only a few weeks ago, the administration had given up any hopes of securing congressional passage of a charter for the CIA before the 1980 elections. But Huddleston said a concerted drive will now be made to win enactment, at least in the Senate.

As chairman of the Senate Intelligence subcommittee on charters and guidelines, Huddleston said he fears the opportunity to obtain a comprehensive charter will be lost by further delay. The House appears more inclined to adopt piecemeal bills that would give the CIA greater secrecy and flexibility, without the offsetting rules that a charter would spell out.

One of the biggest items on the CIA's legislative "wish list," for instance, is repeal of the 1974 Hughes-Ryan amendment governing clandestine operations. Under Hughes-Ryan, covert actions can be undertaken in foreign countries only if the president finds each such operation "important to the national security" and reports it "in a timely fashion to the appropriate committees of the Congress."

The CIA has always denounced the requirement as an invitation to leaks since it requires reports to eight congressional committees. The administration's draft charter would scuttle Hughes-Ryan and restrict such reports to the Senate and House Intelligence committees.

Separate moves to change the laws affecting the CIA are under way in the House. Rep. Clement J. Zablocki (D-Wis.), chairman of the House Foreign Affairs Committee, told a reporter he intends to sponsor a repeal of Hughes-Ryan as an amendment to

Cut Public Access to CIA Data

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SEN. WALTER D. HUDDLESTON

the Foreign Assistance Act. Zablocki predicted it would win majority support in his committee and in the House.

The Hughes-Ryan rule was originally adopted in 1974 as part of that year's Foreign Assistance Act, before the permanent Intelligence committees were created. But it remains the controlling law on covert activities since the Intelligence committees have yet to move on the matter.

Under the revision of Hughes-Ryan to be included in the administration's proposed charter, the president would have to approve only covert operations involving "substantial" risks, resources or consequences. The bill reportedly will not attempt to define "substantial."

Huddleston said he knew of no leaks that could definitely be blamed on Hughes-Ryan, but he said there have been some covert operations the CIA has decided not to undertake because of fear of disclosure. He said the restraint may have been a "good thing," at least in some cases, but said he saw no reason for the CIA to have to inform so many committees.

He maintained that the Intelligence committees could be trusted to serve as "proxies not only for Congress but for the people."

"You just can't make it all public," he declared. "You've got to have confidence in somebody."

The CIA has also been chafing under the information act since it was effectively forced to comply in 1975. Until then, CIA documents could be withheld simply by invocation of the so-called "national security" exemption, but Congress changed the rule by providing that the reasons for such secrecy could be challenged in court. It also laid down deadlines for compliance.

Agency officials have acknowledged the CIA can still protect legitimate secrets under FOIA, including its sources and methods, but they contend the law is still "inappropriate, unnecessary . . . and harmful" to the agency because its sources abroad remain fearful of disclosure.

The proposed solution would create virtually a blanket exemption for the activities of the CIA's Directorate of Operations. In addition to personal records, the Freedom of Information Act could still be used to obtain "finished national intelligence products," but apparently nothing else.

A similar measure, including exemptions drafted by the CIA and others sought by the FBI, is awaiting hearings before the House Government Operations subcommittee on government information, which has jurisdiction over the Freedom of Information Act.

Huddleston said the Senate Intelligence Committee and the administration are close to agreement on the proposed charter, which he expects to be introduced next month and moved to markup after a quick round of hearings. He said committee members this week will seek a meeting with President Carter in an effort to settle several outstanding issues.

One involves the paid use of journalists, academics and clergymen, which the Intelligence Committee wants to prohibit by law. The CIA, Huddleston said, wants to deal with the question by more flexible, administrative "guidelines."

The Senate committee is also seeking refinements in the administration plan to permit spying on law-abiding Americans not suspected of any wrongdoing, but who may have information the government deems important. Huddleston, however, declined to spell out the changes being sought because, he said, the negotiations are too "delicate" to lay out in public.